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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

## JABLONSKI ENTERPRISES, LTD.,

PLAINTIFF,

VS.

NYE COUNTY, NEVADA, a corporation created by the State of Nevada, SHEREE STRINGER, individually and in her capacity as NYE County Assessor; DEBBIE ORRICK, individually and in her capacity as Mapping Administrator for Nye County; BRIAN KUNZI, individually and as Nye County District Attorney; MARLA ZLOTEK, individually and as Nye County Deputy district attorney; SUMMA, LLC, a Nevada limited liability company; TOM LEWIS, individually and as manager of Summa, LLC; HENRY TONKING, individually and as manager of Summa, LLC; LITHIUM CORPORATION, a Nevada corporation; GREG EKINS, individually; GIS LAND SERVICES, a Nevada corporation; and CLAYTON P. BRUST, individually,

## DEFENDANTS.

| Case No.: 2:15-cv-2296 GMN (GWF)

**MOTION TO EXTEND TIME TO  
FILE RESPONSE TO MOTION TO  
DISMISS (ONE DAY)**

COMES NOW the Plaintiff, JABLONSKI ENTERPRISES, LTD., a Nevada corporation, by and through its counsel, Lisa A. Rasmussen, Esq., and hereby requests a one day extension of time to file Jablonski Enterprises, Ltd.'s Responses to Summa, Tonking,

1       Lithium and Brust's Motions to Dismiss (docket #'s 6 and 7).

2           This is the first request for an extension of time and the Response was filed on today's  
3       date, docket #17.

4           This Motion is made and based upon the following:

5           1.       Brust, Lithium, Tonking and Summa filed their Motions to Dismiss on March  
6       8, 2016. Dockets #6 and 7.

7           2.       The filings generated a response date of March 25, 2016.

8           3.       The undersigned was in trial from March 8, 2016 through March 14, 2016 in  
9       United States v. Haischer, 2:11-cr-267 MMD.

10           4.       The undersigned had two appellate briefs due thereafter, one on March 16,  
11       2016, Michael Domingues v. State, Nevada Supreme Court case number 69140, and one due  
12       on today's date that the undersigned still has not completed in Eliades v. Eliades, 2:15-cv-  
13       1145 APG, which will require another request for extension of time for one day to complete  
14       because the undersigned spent 10 hours today on these responses.

15           5.       Additionally, the undersigned was engaged most of last week in preparations  
16       for and in a two day settlement conference in two separate cases pending before The  
17       Honorable Robert C. Jones, McKnight v. Barkett, et al, 2:10-cv-1617 RCJ, and In Re: Asset  
18       Resolution Company, 2:09-bk-32824 RCJ. These cases involve a long and sordid history of  
19       events that began in 2006 with USA Commercial Mortgage's bankruptcy filing. The  
20       undersigned had three clients here from different parts of the country for these settlement  
21       conferences which actually took place on Thursday March 24<sup>th</sup> and Friday March 25, 2016  
22       before retired Judge Herb Ross from Alaska. The preparations for the conference were  
23       substantial and along with the conference, consumed most of last week.

24           6.       The undersigned intended to file a request for a one week extension of time  
25       last Wednesday and forgot to do so before becoming all-consumed in the great settlement  
26       project. As a result, the undersigned simply prepared the Response today and is asking that  
27       this Court grant a one day extension of time, nunc pro tunc.

28           7.       The defendants filed two separate motions, but the motions are essentially  
      identical. Since the Motions are made pursuant to NRS Chapter 41, et seq, they require more

1 than a case law analysis that would be ordinarily required under F.R. Civ. P. 12(b)(6). As  
2 written, they were more akin to a Motion for Summary Judgment, requiring a similar  
3 response from the undersigned.

4 8. Local Rule 6-1 permits the filing of a Motion for an Extension of Time. The  
5 Rule states that the failure to file the Motion before the deadline for the Response is subject  
6 to an excusable neglect standard, demonstrating that the failure to act was the result of  
7 excusable neglect. The undersigned has explained above, she intended to file a motion last  
8 week on Wednesday requesting a one week extension of time and simply forgot to do so  
9 because she was consumed with the settlement conference issues in the McKnight and ARC  
10 cases. Furthermore, the undersigned is a sole practitioner and is still getting caught up after  
11 having been in trial less than two weeks ago. In fact responding to these motions today is  
12 creating the need to ask for an additional extension of time in another case, with an appeal  
13 response due to Judge Gordon also on todays' date.

14 9. As demonstrated, this request is not made for the purpose of delay and takes  
15 into account due diligence on the part of the undersigned.

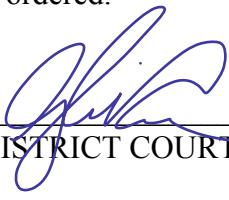
16 10. If this request were denied, it would create prejudice to the Plaintiff whereas  
17 there is no prejudice to the defendants by this request for a one day extension of time.  
18 Additionally, the interests of justice would indicate that determining this matter on its merits  
19 is preferable to a determination by default.

20 Accordingly, it is respectfully requested that the Court issue an Order granting a one  
21 day extension of time, nunc pro tun, to file the Plaintiff's Response to the two Motions to  
22 Dismiss filed as docket numbers 6 and 7.

23 Respectfully submitted this 28<sup>th</sup> day of March, 2016.

24 **ORDER**

25 It is so ordered.

26   
27 U.S. DISTRICT COURT JUDGE

28 Dated thid 6 day of April, 2016.

LAW OFFICE OF LISA RASMUSSEN,

/s/ *Lisa A. Rasmussen*

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LISA A. RASMUSSEN, ESQ.

Nevada Bar No. 7491

Attorneys for Jablonski Enterprises, Ltd.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am a person competent to serve papers and that I served a copy of the foregoing MOTION FOR ONE DAY EXTENSION OF TIME TO FILE RESPONSE TO MOTIONS TO DISMISS AND TO TRANSFER VENUE, upon all persons participating in CM/ECF, as required by local rule in this case.

Dated this 28<sup>th</sup> day of March, 2016.

/s/ *Lisa A. Rasmussen*

LISA A. RASMUSSEN, ESQ.

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